The University of North Carolina at Pembroke
Faculty Senate Agenda
Wednesday, September 2, 2020 at 3:30 p.m.
https://uncp.webex.com/meet/abigail.mann

Abigail Mann, Chair
Mark Tollefson, Secretary

Members of the Senate:

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<th>To 2021</th>
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Chancellor Robin G. Cummings
Interim Provost and Vice Chancellor for Academic Affairs Zoe Locklear

Order of Business

I. Roll Call
II. Approval of Minutes: (Appendix A, Appendix B)
III. Adoption of Agenda
IV. Reports from Administration
   a. Chancellor—Robin G. Cummings
   b. Interim Provost and Vice Chancellor for Academic Affairs—Zoe Locklear
V. Reports of Committees

1. Operations Committees
   a. Executive Committee—Abigail Mann
a. Follow Up on Information Requests
b. Questions about Rates of Student Attendance
c. Academic Continuity Planning
d. Diversity Requirement
e. Action Item. Proposal: In light of the fact that the faculty handbook does not require a faculty signature for withdrawals, the Senate, while upholding the importance of following the catalog, recommended that the Office of Academic Affairs make the decision whether to override the catalog as to faculty signatures for withdrawals for Fall 2020.

b. Committee on Committees & Elections—Shenika Jones
   a. Action Item: Approve Committee/Subcommittee Appointments (Appendix C)
   b. Informational: Appointments (Appendix C)
   c. Committee on Faculty Governance—Aaron Vandermeer
d. Committee on the Oversight of the Faculty Handbook—Tom Dooling

2. Standing Committees
   1. Academic Affairs Committee—Robin Snead
      1. Informational: Curriculum Matters
      2. Informational: Late Adds
   2. Faculty & Institutional Affairs Committee—Nathan Thomas
      1. Informational: Faculty Enforcing Mask Policies in the Halls
   3. Student Affairs & Campus Life Committee—Tamara Savage
      1. Informational: Student Name Change Policy
   4. Academic Information Technology Committee—Susan Edkins
      1. Informational: Canvas A/B split
      2. Informational: LTI's

3. Faculty Assembly (Appendix D)

4. Teacher Education Committee

5. Graduate Council (Appendix E)

6. Other Committees
   1. Student Computing Initiative (Aaron Vandermeer)
      2. (“The Chairs of the Faculty Hearing Committee and the Faculty Grievance Committee will report to the Faculty Senate early in the fall semester on the number of cases heard during the previous academic year (and/or summer).”)
         1. Faculty Hearing: 0
         2. Faculty Grievance: “ had one case brought up but due to Covid and the parties wishing to meet in person, it was postponed until this academic year per the advice of University Counsel.”

VI. Unfinished Business

VII. New Business
   a. Kelvin Jacobs, University Counsel: Introduction
b. Memo Re: NC "Open Meetings", "Public Bodies" and "Public Records" law (Appendix F)

VIII. For the Good of the Order
IX. Announcements
X. Adjournment
Abigail Mann, Chair
Joseph Van Hassel, Secretary

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Chancellor Robin G. Cummings
Interim Provost and Vice Chancellor for Academic Affairs Zoe Locklear

Members Present: Victor Bahhouth, Bill Brandon, Chancellor Cummings, Susan Edkins, Shenika Jones, Benjamin Killian, Provost Locklear, Abigail Mann, Wendy Miller, Otts Murray, David Oxendine, Nathan Phillippi, Gretchen Robinson, Tamara Savage, Melissa Schaub, Joe Sciulli, Robin Snead, Jack Spillan, Michael Spivey, Mark Tollefsen, Joseph Van Hassel, Jeffrey Warren, Joe West, David Young

Members Absent: Cherry Beasley, Laura Hess

Guests: Irene Aiken (Graduate School), Ashley Allen (College of Arts and Sciences), Tim Anderson (Biology), Nick Arena (Business), Robert Arndt (Library), Mohammad Ashraf (Business), Tina Barr (Social Work), Brittany Bennett (Athletics), Michael Berntsen (English), Rebecca Bullard-Dillard (Chemistry), Kirill Bumin (Graduate School), Joshua Busman (Honors College), Courtney Carroll (Biology), Jose D’Arruda (Physics), Teagan Decker (Honors College), Thomas Dooling (Physics), Michelle Fazio (English), Nancy Fields (Museum), Leah Fiorentino (Kinesiology), Paul Flowers (Chemistry), Richard Gay (CAS), Mark Gogal (Chancellor’s Office), Carole Graham (Political Science and Public Administration), Karen Granger (Education),
Michael Green (Sociology and Criminal Justice), Rita Hagevik (Biology), Jane Haladay (American Indian Studies), Matthew Hassett (Sociology and Criminal Justice), Scott Hicks (English), Beth Holder (University College), Mordechai Inbari (Religion), Kelvin Jacobs (General Counsel), Mary Ann Jacobs (AIS), Jennifer Jones-Locklear (Nursing), Cecilia Lara (Foreign Languages), Autumn Lauzon (English), Naomi Lifschitz-Grant (Art), Alice Kay Locklear (Social Work), Tiffany Locklear (Education), Melissa Mann (Business), Mark Milewicz (Political Science and Public Administration), Lisa Mitchell (Education), Jamie Mize (AIS), Lauren Norman (Sociology and Criminal Justice), Marianna Rader (Psychology), Myia Reyes (AIS), Jonathan Ricks (Counseling), Stanley Stratton (Philosophy), Dennis Swanson (Library), Todd Telemeco (College of Health Sciences), Nathan Thomas (Music), Sailaja Vallabha (Chemistry and Physics), Summer Woodside (Social Work), Marien Wooten (Kinesiology)

Order of Business

I. Meeting Called to Order at 1:02 PM.
II. Roll Call
III. Approval of Agenda – not voted on
IV. Report from the Chancellor: Update on Recent Events
   i. Campus Testing Protocol – plan to release next week
      • System Guidelines
      • Vetting testing companies
      • Jodi Phelps will update her notebook as information comes in
   ii. Review What Happened Last Friday Afternoon
      • Definitely a low point in life and career – disappointing personally and professionally
      • Several weeks ago a student requested to hold a protest march against police brutality. Discussed with university and town – wanted to hold during busy Friday at 5:00 PM – town couldn’t accommodate this because of high traffic in Pembroke at that time
      • Compromise was to hold march on sidewalk, which does not require a permit from the town
      • Estimated 30-50 people at the most
      • Not a UNCP or SGA sanctioned event – still many UNCP faculty, staff, administrators, students involved, including Chancellor Cummings; also town citizens
      • Was concern about safety of marchers (traffic, chatter on Facebook was going downhill)
      • Police were requested to be on hand (not by marchers)
      • Marched from Jones Center parking lot on a pre-determined route, led by police
      • Chancellor is proud of how police were respectful to marchers, and helped control traffic
      • Turned right to Prospect, left on Third Street – lots of counter-protestors that were totally inappropriate – including holding weapons (legally)
      • Police did a great job of keeping the protestors and counter-protestors apart
      • Marchers continued through downtown Pembroke – speeches and prayers from local ministers; local merchants passed out water
      • Protestors circled around and headed back towards campus
      • Chancellor Cummings is proud of the marchers – kept moving rather than responding to counter-protestors
      • Much supportive sentiment from townspeople
• End of march – congratulatory speeches, where to go from here speech
• Thrilled that the march ended peacefully at UNCP

iii. After March
• Chancellor Cummings has been hearing a lot from folks since then, and keeps updated on what is on social media
• Has met with organizers, SGA leaders, NAACP President, Alumni Council President, Alumni Association President
  • Didn’t come away with specifics, but had a productive conversation
  • “Do we want a moment, or do we want momentum?” – Alumni Association President
• Has responded to many students and parents about campus safety
• UNCP is recognized as one of the safer UNC System campuses
• Chancellor Cummings met with the UNCP police force after the murder of George Floyd, and reviewed techniques of force – was surprised at the lack of training
  • Met with them again after last Friday’s incident
  • Will have continued training, including cultural sensitivity and how to interact with students
• Have held a couple of town hall meetings with returning and incoming students
• Has met with UNCP town council
• Meeting with SGA President, ask if willing to meet with Pembroke Town Council
• Meeting with key community leaders later today
• Pembroke is working on an emergency order to allow the town to say “no” to protestors looking to come in during a given amount of time; also looking to declare no weapons to be carried
  • Was passed during the time-period of the meeting

iv. Additional Thoughts
• Wants us to resist painting people with a broad brush
  • “We did not see Pembroke on Friday” – saw hate-filled bigots
  • Every race has bigots, unfortunately
  • Please resist temptation to judge an entire group by the actions of some individuals
  • The majority of people in Pembroke are proud of UNCP and care about us
  • Unfortunately we saw the worst of the worst
  • Shocked and embarrassed a lot of the citizens of Pembroke
  • Asks to avoid the term “locals” as it marginalizes
• Looking for momentum—how do we make a change in people’s hearts and minds?

v. Questions
• How, in particular, are we going to protect our black students, including a safe space for learning?
  • Working with campus police to protect students
  • Will continue to meet with students
  • Pembroke has a safe record – haven’t heard of physical altercations, so far just words
  • Working with local chamber of commerce
  • Need to have conversations and people meeting, which can go a long way
  • Will take time and effort
• Some things faculty can do:
  • SGA disappointed that ICC proposal wasn’t passed this past year
• Is the Office of Student Inclusion and Diversity working
  • Yes, Lawrence Locklear and others
• Has the on-campus student demonstration policy been reviewed?
  • Looking at it currently
• Can Unity Protests be announced?
  • Unintended consequences can be a problem – best to let emotion fade
  • Abby Mann: happy to share information as she gets it
• Can there be another meeting before 8/5?
  • Yes

vi. Budget Discussion
• Chancellor is concerned
• Goal is not to lose anyone come May 2021 – being impacted by budget
• Losing students
• Every department has a proposal for a 5%, 10%, or 20% cut
• Every decision made will be for what is the best for the university
• Virginia Teachey:
  • 85% budget from state
  • 15% from on-campus
  • 13% of North Carolina citizens are unemployed
  • Consumer spending is down, but gradually going up
  • $1.64 Billion shortfall this past year
  • $2.57 Billion shortfall this coming year
  • If not face to face, will be furloughs in areas, unfortunately
  • Promise buy-down has not been 100% from state
  • Will probably take several years to recover financially
  • Will probably be hit particularly hard for the next academic year (2021-2022)

vii. Questions
• Is there a particular number of COVID cases that will cause a pivot online?
  • Still fluid, to be determined
  • Decision will be system level
• Furloughs in fee-funded jobs. What would we be looking at if we went online?
  • UNCP has been conservative with debt
  • Only make furloughs/lay-offs if we have to
  • Hiring freeze right now
  • 33% of auxiliary funds are salary
  • After election year, could be more “balancing of the budget”
  • We are preparing for the worst – 20% shortfall would be worst-case scenario
• When will decision be made about classroom delivery?
  • At this point, no later than mid-July
  • A lot is dependent on what Governor does, particularly regarding Phases
  • Goal is to give everyone as much time as possible

V. Report from the Provost
i. Regarding last question – no later than July 15, as early as July 9 or 10
ii. Appreciates the hard work that everyone is doing
  • Working on syllabus statements regarding face coverings, classroom management, student conduct
  • Working with Human Resources on high risk faculty who have requested to work online
  • Working on attendance policy, including questions from students regarding the
wish for online schedules
  • Another professional development opportunity from Office of Online Teaching

iii. Chancellor Cummings
  • Masks are required on campus (with health-related exceptions)

iv. Questions
  • Concerns for student parents regarding childcare…
    • Currently discussing
    • The Governor is announcing something today
    • Public Schools opening announcement is being delayed
    • Will impact UNCP decisions

VI. Report from Faculty Senate Chair
  i. Resolution in response to the events of 26 June 2020 (Appendix A)
    • Added Friendly Amendment #1 from Abby
    • Added Friendly Amendment #2 from Abby
    • General Discussion:
      • Chancellor Cummings: emphasize and end resolution with positives to help students remember what UNCP does well
      • Cecilia Lara: would like to include Hispanic students and student organizations
      • Dennis Swanson: how does mentioning past events in Lumbee history strengthen the document? Potentially muddles things.
        • Abigail Mann: a rhetorical move, speaks to history that can be read as rejecting white supremacy in various ways
      • Chancellor Cummings: agrees with Dennis’s point – perhaps change to something more positive?
      • Ashley Jones-Locklear: there should be something about UNCP history and its emphasis on providing education to Indian people, which would lead towards education of other minorities
      • Melissa Schaub: there is one actual action clause in this resolution, regarding curriculum requirements. Should include black lives in this action item
      • Jennifer Jones-Locklear: want to avoid marginalizing and disenfranchising students
    • Each resolution comments:
      • Paragraph 1: no comment
      • Paragraph 2: no comment
      • Paragraph 3: language amendment
      • Paragraph 4/Statement 1: remove hyphen from “UNC-P”
      • Paragraph 4/Statement 2: no comment
      • Paragraph 4/Statement 3: no comment
      • Paragraph 4/Statement 4: language amendment
      • Paragraph 5: no comment
      • Paragraph 6: language amendment
      • Paragraph 7: no comment
      • Paragraph 8: language amendment
      • Paragraph 9: comma added
      • Paragraph 10: remove hyphen
      • Paragraph 11 (friendly amendment): language amendment
  ii. Leave document as is for now – unable to vote, as no longer a quorum of Faculty Senate members

VII. Adjournment at 3:18 PM
Informational

Election Results:

**Faculty Grievance Committee**
Tracy Vargas

**Faculty Hearing Committee**
Richard Vela

Election Results Corrected:

**Faculty Grievance Committee**
Meredith Storms
William Collier

Upcoming Elections:

**Oversight of the Faculty Handbook Committee: LETT and ARTS**

Approval Needed

Academic Information Technology Committee: John Lillis (2022)
Enrollment Management Subcommittee: Crystal Walline (2021)
Curriculum Subcommittee: Jamie Mize (2022)

Budget Committee Nominations:
ARTS: Joanna Hersey
EDUC: Olivia Oxendine
CHS: Leah Fiorentino
LETT: Jamie Mize
NSM:
SBS: Kirill Bumin
At-Large: Beverly Justice & Chris Solano
### TOPICS AND DISCUSSIONS

| **PRESIDENT PETER HANS REPORT:** | Introduced Norma Houston, who will be heading up COVID response | There are metrics for shutting down campuses face to face, but may result in “modified operations” rather than full shut down. Will vary from | Addressed role of Faculty Assembly in budget cuts. Assured FA that he will be an “advocate” and will be “vocal” in requesting funds. He will welcome any recommendations from the FA. | Position of the Faculty Chairs. Requested that we send a rationale for ex officio non-voting member on Board of Trustees of each campus. | Response to question regarding following County Health Dept guidelines: Important for universities to have understanding of how these might be incorporated into decisions, |
| **KIM VAN NOORT** | Workshops on online courses well attended and well received. | We now have course libraries for most core courses. There is a digital learning website available. | There will be a System-wide Dashboard to provide numbers of COVID cases across the system. Praised the Adaptive Learning platform as showing a “spirit of collaboration.” Delegate brought up need for compassionate message from SO regarding impact of COVID on staff, faculty and students. |
| **ZOOM ETIQUETTE PRESENTED BY KACEY DIGIACINTO** | Kacey reviewed the document created by FAEC. | Document was questioned about point regarding recording of session. Since we do not record sessions, that bullet was stricken. | |
| **CHAIR REPORT** | Tim Ives reviewed the Vision and Mission document. | Introduced Shared Gov Doc | Introduced Committees and asked that all delegates sign up. |
| **VICE CHAIR (CHAIRS COMMITTEE)** | Barbara Howard presented the Principles Shared Governance Document. | Several delegates had made comments. Document would be again reviewed and sent out for final vote. | |
| **COMMITTEE REPORTS ON THEIR** | Fac Welfare (Russell Robinson) | Educational Policy (Renee | Communications Governance Equity Committee |
CHARGES FOR 2020-2021

and Melody Galloway) Will examine issues of state health care; mental health services; issues re: teaching, service, and research

Lamphere and Melodie Galloway) Responding to issues of COVID; Representing faculty in Strategic Planning; NOTE: Digital Learning originally assigned to this committee may be moved.

(Kacey DiGiacinto and Anthony Chow) Website design and set up.

(Jeff Popke and Russell Robinson) Primer on tenure process; review of all policies in campus handbooks

(Nicole Dobbins and Russell Robinson) No charge recorded

ACTIONS AND FOLLOW-UP

1) Principles of Shared Governance will be sent out for final vote following final revisions by August 10. FA will have until August 13 to submit vote.

2) Next meeting – Friday, September 11, 2020 at 9 AM – 11 AM in Zoom

3) Concern for next meeting: Faculty involvement in Budget concerns.
Respectfully submitted by Dr. Irene Pittman Aiken, Dean

Graduate Council meets for the first time of the 2020-2021 academic year on September 17, 2020. Below is information that has been shared with the Council and Program Directors believed to be most relevant to Faculty Senate.

The Graduate School’s preliminarily enrollment for fall of 2020 is 1826. The data indicate:

- a 36% increase over 2019
- 22% of the UNCP student body
- 240% growth in the last five years
- 53% are MBA students (MBA grew by over 50% compared to 2019 fall I)
- Non-MBA growth from 2019 of 14.9%.

Graduate Council Members for 2020-2021:

Dr. Whitney Akers, CMH Counseling  
Ms. Christine Bell, Business Administration  
Ms. Latoya Brewer, Mathematics Education  
Dr. Kirill Bumin, Secretary  
Dr. Serina Cinnamon, Social Studies Education  
Dr. William Crandall, Member-at-large  
Ms. Susan Edkins, Athletic Training  
Dr. Michele Fazio, Member-at-large  
Dr. Kelly Ficklin, Elementary Education  
Dr. Rita Hagevik, Science Education  
Dr. Julie Harrison-Swartz, Nursing

Dr. Shenika Jones, Prof School Counseling  
Dr. Naomi Lifschitz-Grant, Art Education  
Dr. Roger Ladd, English Education  
Dr. Gretchen Robinson, MSA  
Dr. Marisa Scott, Special Education  
Dr. Heather Kim Sellers, Reading Education  
Dr. Emily Sharum, Public Administration  
Dr. Thomas Trendowski, Physical Education  
Dr. Summer Woodside, Social Work  
Dr. Velinda Woriax, Member-at-large  
GSO President or designee

2020-21 Meetings (Open), 3 p.m., meeting remotely (via WebEx) in fall 2020; spring 2021 location TBD

- September 21, 2020 (WebEx link)  
- October 19, 2020 (WebEx link)  
- November 16, 2020 (WebEx link)  
- January 25, 2021  
- February 15, 2021  
- March 15, 2021  
- April 19, 2021

Graduate Appeals Committee Members for 2020-2021:

Dr. Bruce DeHart  
Dr. Rebecca Gonzalez Innis  
Dr. Roger Ladd  
Dr. Summer Woodside  
Dr. Velinda Woriax
To: Faculty Senate  
Staff Council  

From: Kelvin Jacobs  
General Counsel  

Cc: Chancellor  
Provost  
Chief of Staff  

Re: NC "Open Meetings", "Public Bodies" and "Public Records" law

Due to an influx of records request and at the request of the Chancellor, the purpose of this memo is to ensure applicable parties have a clearer understanding of the NC "Open Meetings", "Public Bodies" and "Public Records" law. I recognize the parties here may have varying degrees of knowledge or familiarity with the subject matter, however, I do think an overview is appropriate and timely.

**Open Meetings**

"Official meetings" of "public bodies" must be open to the public. An "official meeting" occurs when a majority of the public body attends the meeting, and the meeting is for the purposes of conducting hearings, deliberations, voting, or otherwise conducting public business. Official meetings may be conducted via conference calls or other electronic means, however, the notice shall specify the means by which the public can access the remote meeting as that remote meeting occurs. All votes shall be roll call; no vote by secret or written ballots, whether by paper or electronic means or in accordance with G.S. 143-318.13(b), may be taken during the remote meeting.

The public body must post advance notice of official meetings and must keep accurate minutes of its meetings.

- "Regular" meetings should be posted via a single posting at the first of the year or semester. Revised schedule shall be posted at least seven (7) calendar days before the day of the first meeting.
- "Special" meetings must be posted at least 48 hours in advance (not including weekends or holidays).
- "Emergency" meetings are to be limited to true emergencies, which should be “called because of generally unexpected circumstances that require immediate consideration by the public body.”

UNCP official meeting notices are posted on the HR bulletin board and UC bulletin board. Upon request, notices are also sent to the local newspaper. Informal gatherings may not be used to evade the law.

**Public Bodies**

A "public body" at UNCP is any committee or group:

- established by a vice chancellor or higher authority;
- whose membership is not just university administrators;
- that deals with matters on a university-wide basis; and
- that makes findings, decisions, or recommendations on a quasi-legislative, quasi-judicial, policy-making, or administrative action.

(See: [1300.4(G)] of The UNC Policy Manual; Guidelines on Defining "Public Body" within the Meaning of the Open Meetings Act)
Typically, meetings of the Staff Council or General Faculty are not considered a public body as they do not meet one or more of the criteria outlined above. However, that is not to say there can’t be instances where these groups would be considered a public body.

The Faculty Senate is considered a public body as their purpose is to serve as the principal academic policy-making body of the University, subject to review and approval by the Chancellor; to serve as an advisory and consultative council to the Chancellor and other Administrators; and to receive from Senate Committees or University Departments recommendations concerning educational policies of the University which the Senate may deliberate and act.

**Public Records**

Per NC general statute, "Public record" or "public records" shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions.

The definition is quite broad and generally not limited by the form of the material in question or by the circumstances under which it was received or created. Notwithstanding statutory exceptions such as personnel files, legal materials, trade secrets, etc…, the public records and public information compiled by the agencies of North Carolina government or its subdivisions are the property of the people.

This would include “chats” as they are specifically identified in Section 4.31 of Session Law 2020-3 wherein it states all “chats, instant messages, texts, or other written communications between members of the public body regarding the transaction of the public business during the remote meeting are deemed a public record.”

**Summary**

The Faculty Senate and its subcommittees are public bodies and subject to the open meetings requirements. Further, any and all records made in conjunction with it, or its subcommittees, may be considered public records regardless of form.

Although generally not considered a public body, the Staff Council’s and General Faculty’s records & materials may be subject to the public records act.

Official meetings may be conducted remotely subject to a number of restrictions such as; proper notice specifying how the public can access the remote meeting; if member cannot be physically seen they must identify when the roll is taken, prior to participating in the deliberations- making motions- proposing amendments- raising points of order, and prior to voting. All votes shall be roll call.

The Public Bodies/Open Meetings law and the Public Records law are separate and distinct from each other. Though they often intersect, one is not dependent upon the other; that is to say that to be considered a public record it does not need to be generated from a “public body” or “open meeting”.
